

TOWN OF PHILIPSTOWN PLANNING BOARD
Special Meeting- Garrison Golf Course/Hudson Valley Shakespeare Festival
Virtually Via Zoom November 11th, 2021

The Planning Board held a special meeting on Thursday, November 11th, 2021 to discuss the GGC/HVSF application.

Present:

Neal Zuckerman (Chair)

Ms. Kim Conner

Dennis Gagnon

Peter Lewis

Laura O'Connell

Neal Tomann

Heidi Wendel

Ronald J. Gainer, PE, Town Engineer

Stephen Gaba, Counsel

Absent:

Please note that these minutes were abstracted in summary from the meeting and a taped recording. Chair Zuckerman opened the meeting at 7:30 pm. Cheryl Rockett led the Pledge of Allegiance. Roll call was taken by Ms. Rockett.

Chair Zuckerman stated how he expects this meeting to go. He is going to ask Mr. Gaba for purposes of absolute clarity to repeat the process and if any members of the public are listening, they will now hear for the Nth time what the process is and where they are in it. Secondly, they're going to talk about what they are doing tonight, at least the process they're in at this moment. He added they'll be discussing for a few minutes the definition of "significance" as they're working to define the impact, a significant adverse impact, if there is one of this proposal. Then third and finally and most importantly, they're going to start going through by chapter starting with roman numeral 3A and as they're going to get as far as they can and they're going to do that in three minor chapters each. They're going to ask the applicant to comment on that chapter if they like to say anything about what either they're proposing or what the mitigations are. Secondly, he's going to ask AKRF and Mr. Gainer to comment then about not only completeness. Now it's time to talk about what's actually written there as they advise the Board on that significance, and thirdly and frankly most importantly, he will turn to his fellow board members and himself of course to start sharing their views, certainly you can ask questions but at this point starting to share how they're seeing things related to significance. That's the plan for tonight.

Mr. Gaba stated that the applications that are being submitted, leaving out a minor subsequent one that may go to the Conservation Board, is there's an application for a zoning change to the Garrison Golf Planned Development District to allow the development, construction of the Hudson Valley Shakespeare Festival and related development. There's going to be a subdivision. There's going to be dedication of some of the golf course properties and the like. In addition to the zoning change, there is an application for subdivision approval and site plan approval for the Hudson Valley Shakespeare Festival development. Before any of those applications can be substantively acted on, SEQRA has to be complied with. The Planning Board is lead agency for that process. So, where they are now is that the Planning Board is going to attempt to complete the SEQRA process, the review of the environmental assessment form which is what they're going through tonight. He added that he expects there

will be a public hearing after that in regard to the project as such. Then the Town Board will act on the petition for zoning change. There'll be a public hearing at the Town Board on the petition for a zoning change. Assuming that the requested zoning change is adopted by the Town Board, the applicant will then return to the Planning Board at which time the site plan and subdivision application will be processed to completion. That, too, will very likely at least include a public hearing. So, once this Board completes SEQRA and the Town Board completes the zoning change petition, then they go back to this Board for detailed review of the site plan and the subdivision. The Board will then finally be in a position to complete review the project.

Chair Zuckerman stated that tonight the purpose of SEQRA to is coming to a viewpoint as a Board about whether this project presents itself to the Board as having a significant adverse impact on the environment; that's what they're assessing one or more. That's really the litmus test. This Board obviously does SEQRA in every one of their cases. The only time they've done a positive declaration was Hudson Highlands Reserve, at least to his memory in the decade he's been on this Board, and that was a lengthy process. The Board is starting to make those assessments tonight. That's what the voluminous amount of work and they appreciate the applicant and all their staff members doing on all these hundreds of pages and studies. It's very clear they have a very clear sense of what it does for the community. He continued that he'd like to have Mr. Gaba and then AKRF provide some guidance to this Board and frankly for the public as they're listening to how the Board is judging that significance. Clearly that's a term of art in the world of SEQRA.

Mr. Gaba stated that in the SEQRA process the Board looks at the details of the project in regard to a number of different criteria categories, and it makes a determination if the project presents any potential significant adverse environmental impacts. If the Board finds that there are potential significant adverse environmental impacts, they have to then go on to, if there's more than one of them, issue a positive declaration. As he pointed out to the Board, there are some exceptions to that, but generally speaking, to issue a positive declaration and then go through the environmental impact statement process to determine if they've been mitigated to the maximum extent practical. So, where the Board is now is looking at these various categories or criteria. First off, before even considering significance, determining if there's a potential adverse environmental impact in regard to any. If there is no potential adverse environmental impact, they don't have to worry about significance. If they find that there are some potential adverse environmental impacts, the Board then needs to go on to consider whether they're significant or not. There's a provision which AKRF will go over in the New York state code rules and regulations which tries to lay out at least a general criteria for determining that. To summarize it as a kind of a practical guide, there's two factors, two overall types of considerations to look at. The first one is magnitude. Magnitude is a determination of whether or not this impact is going to be something that's big, something that really affects a lot of things. One of the examples that they gave is if the applicant were building a bridge over a river, and they were going to wind up with, because they were digging, is the river bank's sediment going into the stream. Is it going to be a lot of sediment, is it going to be a little bit of sediment? There's an adverse impact there. There's sediment going into the stream. But, is it a big stream, is it little stream? How long is this going to go on? Is the sediment going to settle out, is it going to muddy the creek for years? These are the things to look at to determine magnitude. The other thing to look at is called importance. The Board will determine whether it's a big impact or a little impact and then how significant is it. The example again, to go to the bridge and stream example, is if there was a stream that was already small and turbid, it didn't have any particular importance as an environmental impact aside from being a stream, it wouldn't matter that much if there was more turbidity added to it. It depends on the amount of turbidity but that's where we're talking about magnitude. However, if it's a pristine trout spawning stream that we're talking about, even a relatively small amount of turbidity could be a significant adverse environmental impact because of course it could harm the trout in their reproductive cycle. So, as the Board is going through this and they look at the various criteria set out in the code rules and regulations keep those two things in mind. What's the magnitude of the impact and how important is it?

Aaron Werner stated that the regulations Mr. Gaba is referring to are section 617.7, specifically under subsection C, there are 12 criteria in that section that lead agencies can rely on for determining significance. But what Mr. Gaba mentioned about magnitude and importance is not in the regulations but it's in the SEQRA guide book, chapter four, which also goes hand in hand with looking over each one of these 12 items. As the Board is going through each of these topics tonight, these are the list of the 12 guiding principles in the regulations. A lot of lead agencies, when they issue a negative declaration for example, they list all of those statutorily in that resolution and they go one by one, indicating if the project meets those or not. For a negative declaration, it wouldn't. Also, the Board has to determine if the potential for impacts that the applicant has identified in the part two EAF that they approved, the items they had checked off as moderate to large because they wanted more information. Part three is presenting that additional information and studies that the applicant has conducted. The Board has to determine if the potential for those impacts that the applicant identified in the part two, and then the subsequent technical studies that are presented in part three, rise to a level of significance that requires a positive declaration while also considering the design and operational components that they're doing as part of the project already to preclude impacts. For example, the applicant is putting in a traffic signal on their own dime at Snake Hill and Route 9. They're enhancing perimeter buffers in accordance with the Scenic Protection Overlay. There's going to be some level of noise barrier. It's not defined yet but they're committed to doing some noise mitigation around the tent as part of the site plan approval later. So, those are the things the Board has to look at as they go through. Are these potential impacts being taken care of by what the applicant is proposing as part of the project already. Will they take care of them? A negative declaration would conclude that there's the potential for impacts to either be avoided or minimized to the maximum extent practicable. A positive declaration would express the conclusion that further environmental review is needed on one or more areas and then an EIS would need to be prepared. He added that it's important to point out that the scope and level of detail and analysis that would be covered in the EIS would likely end up being pretty similar to what they've provided in this very long EAF part three. There are other requirements that the EIS would introduce procedurally, but the studies done to date would essentially be repackaged into an EIS format. AKRF has conducted a few rounds of review at this point on the scope and the content of the part three. They had some comments but overall, it has met the standards set forth by that part three. Also keep in mind projects can be modified along the way in SEQRA to avoid an impact that might be identified. When we get into traffic, the applicant is proposing a change to get rid of an impact that was identified for an off-site traffic intersection. So, that's where we are, the Board is taking a hard look at the relevant areas of environmental impact, and this determination of significance that they come to would have to express how they relied on the record of material to make that decision. Over the last year the Board has taken a lot of careful consideration in making sure that that part two was completed, how they wanted it to be and that they outlined exactly what was to be studied in the part three. The Board accepted that and the applicant presented it to the Board now. That's where we are. We're going to have to go through each of these significance criteria as the Board considers these topics, but he thinks Mr. Gaba covered a lot about the magnitude and importance elements too, which are obviously a key to this.

Chair Zuckerman stated that he thinks it is fair to skip over the project summary section. He's not sure that requires its own opening discussion from a SEQRA perspective, although I'm happy to open it up to the applicant and AKRF to comment on that. He thinks the actual content begins in chapter A and for the purposes of the public's information the Board is referencing two binders, a September 2021 very large binder and also using a second document which is less thick which contains a set of responses from the applicant to comments of completeness that AKRF provided them. The plan to do this evening is walk through A, B, C, D, E, etc. and have a conversation around each one that is how the applicant has organized the materials, and he thinks that's a substantially clear way of having the conversation. So, they're going to turn to the applicant to comment how they would like, then AKRF and Mr. Gainer provide the board their viewpoints of what's written here. Not

completeness, but perspective and then finally and most importantly, the Board members will then comment and/or ask more questions. That's the order of operations.

Mr. Johannessen stated that he has nothing really to add to the project summary. It just provides a description of the property, the zoning the land use, google history information about Shakespeare Festival. It describes the proposed action phasing, describes the SEQRA action and provides a list of required permits and approvals. There's no evaluation of impacts. It's just really an overview of the project and the various sections that follow.

Heidi Wendel stated that there's discussion in the project summary about the timing the project, completion dates and the timing of the various phases. Is the project feasible as described in the overview with these project completion dates if the traffic if the signal doesn't happen, or is it entirely dependent on that happening as a complete project. She feels like the project's gotten bigger somehow, and maybe it's just the detail makes it feel like it's gotten bigger. She would love to see the project reassessed after each phase, but doesn't know if that's possible. But it does seem like the whole thing is dependent on there being a traffic signal. It seems like the project would start being built before the traffic light approvals have even happened, so it just seems like there might be a reason for the project to have phased approvals perhaps, if that can be done, for like the first part to happen before the traffic

Mr. Hollis stated that he'd prefer that they go in order and can address that in the traffic session.

Ms. O'Connell stated she knows that the way that the applicant has presented this is in a phased execution. So, there's a phase one and then there's a phase two and there's a phase three. Maybe part of the project description is that there is a check-in so that, for example, if for whatever reason if the traffic light does not happen then the applicant would then be able to go and reassess, and so things could potentially change. She thinks that there is some language that could be inserted that just if the applicant is willing to implement phase one, if phase one is not a hundred percent dedicated or committed to that traffic light, phase one is okay but then phase two if it is 100 dependent on the approval of that and if it doesn't then there is option B, C or D.

Mr. Hollis stated the traffic light has been approved and John Canning will talk about it when they get to the traffic section. As they've talked about and the Board has asked on earlier occasions for the 30-year vision, the long-term vision, some of the things that are in the plan for approval, both for the amendment and then eventually the site plan, are things like the indoor theater, for example, that's not going to be built in the first phase. It's not that they haven't come up with the phases. The project hasn't gotten bigger, in many ways it's gotten smaller with the gifting of a significant number of acres. He added that he's confident they will answer every question to the Board's satisfaction.

Chair Zuckerman asked Mr. Gaba if he could comment on conditional approvals. He added that his understanding was they approved the project or not. He then reminded the Board members that tonight they having a SEQRA discussion here, environmental impact of what's in front of us.

Mr. Gaba stated that they are straining a little bit off course for SEQRA review but, to button this issue up, the project is going to include certain improvements such as the traffic light which are designed to avoid having adverse environmental impacts or otherwise are just part of making the project run smoothly. If the Board approves the project with those elements as part of it, then the applicant is not going to get a building permit or at least not a C.O until those elements are in place. If the applicant were to get approval of this project with the traffic light being one element of it, whether it's imposed as a condition or it's just something they're volunteering as part of their application, they're not going to be able to open unless and until that that traffic light is either in place or bonded. He added that he really wouldn't worry too much about things like the traffic light. If they say

they're going to include it and they include it in the project, they will be bound to put that in before this project opens.

Chair Zuckerman stated lets let's jump into roman numeral 3, chapter A. He then asked AKRF and Mr. Gainer to give us some guidance, some viewpoints on what is written here relative to the Board's mission tonight.

Section A, Land Use and Zoning. Aaron Werner stated that as part of the outline for the part three scope which this follows, they take a look at the existing PDD that's existing and approved since 2005. Comparison of the project to what's new, what's being removed. They also talk about the consistency with applicable community plans and zoning applicable to the site. They talk about the Scenic Protection Overlay District and the compliance with that, how they're proposing to meet the requirements of that. The Open Space Conservation Zone, they have some language about that as well. But overall, they're proposing amendments to an already existing PDD, so they're changing zoning that's specific to this property with some additional uses. There's no Comprehensive Plan recommendation specific to this property, so there wasn't any issue of inconsistency with the Comp Plan. It's a private recreation use currently so it's not like a public park. For all these reasons they analyzed the project's consistency with all these things. There's really no impact or mitigation identified with regard to land use and zoning.

Jan Johannessen stated that they didn't identify any impacts, so they're not proposing any additional mitigation in regards to this section, mainly because the project is completely consistent with the town's comprehensive plan, both the one that's on record and the one that's being proposed and also because of the tight controls that they expect that will take place within the PDD law and the conservation declaration that they're proposing along with the 73.7 acres that are going to be permanently preserved through the project. Those are the reasons why no mitigation is proposed as part of this section.

Mr. Gainer stated that he has no comments on this section.

Mr. Lewis stated that he has a few things particularly when it comes to significant adverse impact on the environment. A number of things that were troubling to him, most of all from the very first day was traffic and getting the light up. He thought that was a hugely important thing. He also feels that Snake Hill Road, which is a fragile and circuitous and kind of dangerous, presents a little bit of a problem here. He also thinks that a turn off lane or some other type of multi-lane exit coming from the north into the main Route 9 entrance needs to be addressed. Those are significant adverse impacts on what's happening with the traffic and with the safety of the roads. He doesn't think that it necessarily entails a whole rewriting of everything, but maybe a deeper view of looking into that. He also had some problems with the parking in the facility. At one point it mentioned 350 vehicles. Just counting the people at the tent, in the indoor and the pavilion and then of course the whole Garrison hotel, 350 just seemed too small. He also asked about the specifics of public access to the lands. Which lands will the public have access to? Are they going to be able to enjoy this ridgeline? Mr. Lewis added that he admires the Shakespeare Festival tremendously and has gone to it for 25 years. He continued that responsiveness to the questions that have been put before them both by the public and by the Board he thinks have been quick and thorough. The environmental sensibility is tremendous and that's pretty much it. He thinks it's a special thing that they have in front of them and just need to iron out the significance.

Mr. Gaba stated that Mr. Lewis's points are all very well taken but as he understands the process that they're trying to go through now, they have all these different sections and they're going to look at them one at a time. If the Board members have a comment on the consistency of the plan with the town's zoning and land use now it's time to raise that.

Chair Zuckerman stated that this chapter in its design does talk about traffic, for example at length on page 23. There's a little in this chapter.

Chair Zuckerman asked for any other comments on land use, zoning and layout.

Ms. Wendel stated that she thinks 172 trees being cut down is a lot. She's grateful that there's going to be a lot of land preserved for conservation, which is huge, but still as part of our process she just notes that 172 trees being cut down is a lot of trees. She's just wondering again is it possible to phase that process. Everything to her happening here in this project, just as an overview issue, seems to be about the phasing. If that's going to happen in a phased approach where just like some trees are cut down, some are planted then some more trees get cut down. 172 trees if not done sensitively seems like a lot of trees and much more than she realized were going to be cut down before seeing this material. She knows that there's going to be a beautiful meadow hopefully, as proposed, so there's many lovely features that will counterbalance the loss of the trees. But every tree is not created equally. When you drive in at Snake Hill Road to this site you see these absolutely magnificent really old trees. How many of those trees will be cut down and how many are just sort of like junk trees that are not even native species. The other comment is there is a lot of discussion in this document of theater singular, but it's her understanding now there's definitely going to be two theaters operating in the second phase at the same time. The outdoor theater and the indoor theater, but they're operating during the summer season. She would have thought that the indoor was going to be operating when the outdoor can't operate, but it doesn't look that way. It's like both are operating at once. There's a lot of reference to theater singular whereas it really should say theaters, because it's going to be multiple theaters. Ms. Wendel clarified that the document she is referencing is entitled "*Expanded Environmental Assessment, July 2021 revised September 2021, revised October 2021*". It's on page eight. She added that this references to theater singular but actually during the peak season it's theaters plural. That's why she says it sort of almost feels like the project in some ways expanded, because she thought that in the winter that the indoor theater might be sort of more active when the outdoor theater wasn't active but now six nights a week it's going to be both.

Chair Zuckerman stated that Ms. Wendel is expressing opinions but what he doesn't want to do is have point counterpoint. He added that he just wants to separate points of fact from points of perspective at this point.

Mr. Hollis stated that he doesn't want to debate point for point because while 170 trees might be going down, 250 are going to be going in. There's quite a bit of elaboration that Mr. Johannessen and the team has worked hard to put together, and they'll explain every bit of it.

Chair Zuckerman stated that in this section 3a roman numeral, land use, zoning and layout it has paragraphs explaining the use of each building and he thinks that is totally within the purview of discussing in this chapter what is starting on page 19, 20 and 21 what the purpose of each of these buildings are. He thinks that is not out of order at all.

Mr. Hollis replied, not out of order or improper, but out of sequence.

Ms. O'Connell stated that she thinks they are all basically saying is there might be a phased approach in the way that the applicant is looking at ramping up. She thinks what the project summary needs to articulate is what is your max at 100% completion, what is your overall operations, what are you looking to do, what do you consider the full season for full 12 months, what are you operating at full capacity and then that should actually just be the benchmark and the baseline? She thinks that there's a bit of confusion about what they're going to be instigating in phase one, what gets executed in phase two and she thinks what they're all trying to say is ultimately they don't care how many phases it is. They're going to complete the project at the end of the project they'll have X amount

of theaters, X amount of buildings, X amount of use, X amount of maximum, X amount of traffic, X amount of parking, and that's what they just need to basically have explained in this section.

Chair Zuckerman stated that he thinks they should do exactly what Ms. O'Connell's asking for in this chapter. He thinks when they get to, for example, page 14 where they start going through all the buildings 1 through 12, or the table which isn't numbered but is before page 19, and they have the two large tables of the additions that are all in green, or we get to the description of the proposed buildings in 19, 20, 21, 22 and 23. He continued that his guess is those are all end state buildings whatever phase they are, and he doesn't know if they need to enumerate them, but thinks they need to discuss them all. He added that he'd like to pursue that line of discussion in a moment with what are some of the uses of each of these buildings.

Chair Zuckerman stated, so for page nine of the document of the big binder which is the original proposed the EAF, they have a table here, table number three. It says allowable uses within the RC zone and maybe this is more for AKRF and Mr. Gainer. Which features of your project, regardless of phase, are not currently allowable in the RC Zone?

Mr. Johannessen replied the theatres. Performance theaters are not permitted use.

Chair Zuckerman asked what about the rehearsal space is that permitted use?

Mr. Johannessen stated he would consider that accessory to the performance theater.

Chair Zuckerman asked what about the pavilion - is that an allowed use?

Mr. Johannessen replied that he doesn't know that the pavilion is a "use", he thinks it's a "structure".

Chair Zuckerman asked are there any other uses not allowed in the RC that they're proposing to have?

Mr. Hollis replied the artist lodging is part of the hotel function, which is a permitted use, but they spell it out in more detail in the proposed amendment to the PDD. The PDD is where the amendment is.

Chair Zuckerman asked again, what uses is the applicant asking for which are not currently permitted in the RC zone?

Mr. Hollis stated that it's in the PDD that they're seeking to amend. The PDD is the planned development district, that is what this area is zoned.

Mr. Johannessen stated that you have to look at table three and then the list of uses that are permitted under the 2005 PDD on the following page for a real understanding of the uses that are currently permitted.

Chair Zuckerman stated let's augment the question. What activities they're asking for are not permitted in either the RC or the amended PDD, what is not currently allowed? Part of this chapter is understanding how much of a significant change they're asking for, and he's trying to understand. He added that he's on the first page of the first chapter.

Mr. Hollis stated that the permitted uses that they're asking for are a permanent open-air tented theatre, an indoor theater venue. The open-air facility has 530 seats, the indoor theater venue has 225. Artist and guest lodging with a limitation on actual units, an outdoor pavilion that will be available for both theater use and community events, a box office and welcome center are not permitted structures at present in the PDD. A concession facility and restrooms, picnic lawns, gardens, a production rehearsal facility and administrative headquarters.

Chair Zuckerman stated it would be helpful to him to understand what you want or what is not permitted at the RC or the PDD.

Mr. Hollis stated that's what they want that is not permitted.

Chair Zuckerman asked if they could write that down for the Board because he sees lots of lists of buildings and yet can't tell which list of buildings are permitted versus which lists of buildings are not permitted.

Mr. Johannessen stated that he thinks they can find that on page 14, the list of uses proposed in the new PDD 1-12.

Chair Zuckerman asked how could that be true, since the restaurant has been operating number nine for many years?

Mr. Johannessen stated that yes, the restaurant is actually a permitted use within the RC zone.

Chair Zuckerman stated that is what he's trying to understand.

Ms. Wendel asked if they are doing short-term rental in the eight artist's residence when the artists aren't there.

Mr. Hollis stated that it's a hotel. It's a hotel use and it's a permitted. And they have committed that they will not be rented long-term to other than the artists who are in residence. They've made that commitment already several months ago on several different occasions.

Ms. Wendel stated that the document says that when the artists aren't there, there could be short-term rentals of those spaces when the artists aren't present.

Mr. Hollis stated as a hotel.

Ms. Wendel asked how is that different?

Ms. Conner stated because those are individually operated by individual people, they're not by an organization, they're not a hotel.

Chair Zuckerman stated that we haven't talked about the rehearsal building, which is on page 20 and 21, and what's its use and when is it going to be used?

Mr. McCallum stated that it's a barn-like structure adjacent to the existing cottage and it would be with two rehearsal spaces for rehearsing theatrical productions. There'd be a small office space inside for stage managers and that's really it. It's a very simple structure that'll be used during the daytime for rehearsing plays.

Chair Zuckerman stated that he thinks it is important and they'll get to this when they get to traffic. It's really important to be clear about what's being used when, because what he doesn't want to do is make assessments of traffic and then find out that this will become the equivalent of the off-Broadway location at night as well. It easily could be used as another event on a Saturday or Sunday night or Friday night. How are they defining the usage of this? They mentioned it's only for practicing for plays, but he really thinks it's important to be clear that when they're not going to use it because more traffic will come from more uses.

Mr. McCallum stated that this building is absolutely not designed as a performance space or for welcoming the public. It's for preparing the productions themselves.

Chair Zuckerman continued let's talk about the pavilion a little bit, also on page 20. If you look the chart that Mr. Canning put together, you can only really read it on the digitally. It's appendix E of the traffic counts and in a footnote it says that the pavilion is not going to be used after May. If you follow the numbers, there's no traffic

related to the pavilion. The pavilion only has traffic in the winter months, doesn't get used after June, is unused all summer and then it gets used again in October.

Mr. Canning stated that he thought they made it clear and if they haven't, they should have that they recognize that when they have a banquet and a restaurant and when they have two performances in the theaters, they do not want to have people at the pavilion as well. They have committed not to use the pavilion on days when there's a lot of stuff going on, when there's a banquet or performances. The table shows that there's nothing going on from May through November, or May through October because he's looking at days when there's stuff going on. That's not to say that they couldn't use the pavilion or the community couldn't use the pavilion on a Monday when there's nothing going on or even on a Wednesday when there's nothing going. He just wanted to make that point.

Chair Zuckerman stated that that's helpful because in the book there's a description of the pavilion's role as being for pre-show discussions or pre-show but there is zero showing for traffic.

Mr. Canning stated that he thinks the intent is that if there's a special performance and let's say they happen to have the author of a play that's being performed there, he may meet in the pavilion beforehand and patrons could come early and meet him. But the intent is not to have activities at the pavilion that will add to traffic when there's multiple other activities going on at site. Also, he believes Mr. Allerman indicated that many weddings like to use the pavilion and so they would schedule that and they could go out and get photographs taken or cocktails in the pavilion, whatever it is, but the intent is not to use the pavilion and generate more traffic and parking on days when there's busy activities at the site and that's what they're committed to. That's what's in the event management plan.

Mr. Hollis added that, simply stated, the pavilion is not a separate and distinct use. It's ancillary to the uses already there or that would be approved.

Chair Zuckerman asked why then in Mr. Canning's traffic count is there a separate 150 people in the winter months for the pavilion?

Mr. Hollis stated that because at that time there may be no events coming and people could come there for a Veteran's Day ceremony for example.

Mr. Canning added, or there could be smaller events. They're not saying that the community can't use it. They want the pavilion to be used by the community when it can be used without causing a problem. During the winter months, there's no outdoor theater so there's a lot less activities. They could have an event at the pavilion almost any day and they just want to make sure that's what the Board understands and that's what the community will get out of the pavilion.

Chair Zuckerman stated that this is his last one on this topic, page 11. Can the applicant just for purposes of clarity describe the calendar for everyone here? He added that he effectively wants them to restate what's on this chart for the purposes of the board.

Mr. McCallum stated that the chart really reflects that right now the performances are run just June, July and August in the open-air theater. What they're proposing is extending that season in the open-air theater so that it would run to roughly October 15th. In the future, when the second indoor theater comes online and as everyone knows that's in a separate future phase, performances would also end right around October 15th but they could start earlier in the springtime and perform in April and May before the open-air theater comes online for performances in June. They also suggested that the indoor theater could be used for a holiday show for a very short run in December. He added that he wanted to document so people had a sense of when public

performances were going to be held, and to address the concern that the indoor theater was going to bring post performances six nights a week, 52 weeks a year which is not the intent at all. To the question that that came up earlier about why there would be nights where there would be performances in both theaters, they think that's part of what makes the festival really appealing and attractive is that there could be different things happening in different theaters and that those two audiences and those two experiences could be very complementary. They could share a picnic and some people would be going to the smaller theater to see a new play with four or five actors and others would be seeing a traditional Shakespeare play in the open-air tent and that those audiences would get to intermingle and there'd be a sense that there's a there's a real cross-pollination effect that they hope will happen there.

Chair Zuckerman stated, but just to be clear, there will not be two other simultaneous plays, one going on in the pavilion and one going on the rehearsal space?

Mr. McCallum replied, no absolutely not and he really wants to be very clear about that. The pavilion is not designed or intended as a third performance space and that's why in Mr. Canning's traffic report there's not an incremental audience that's coming to the pavilion, and the rehearsal space will never be used for public performances. It's for the rehearsal and the creation of the plays that we hope will be presented in the two public performance, venues the open-air tent and the indoor smaller theater in the round.

Mr. Lewis added that he's a little confused about pavilions. Here we have the open-air pavilion which he's not sure is the big tent, or he thought they were talking earlier on very early of almost a completely exposed outdoor Grecian theater type structure. Is that still under consideration?

Mr. McCallum stated that it's intended to be a covered, open-air structure. An improved version of the terrace grill that's on roughly that same part of the site now. It could be of use to the events and wedding business, and it could be a place where school groups who are coming to see the plays in the fall could have an outdoor box lunch before they see a school matinee. It could also be a place where audiences could have exactly the kind of event that Mr. Canning was speaking about earlier, a chance to have a conversation with a costume designer or with a playwright before seeing their work on one of the stages that evening.

Section B, Geology and Soils. Jan Johannessen stated that chapter B, geology and soils describes maps the on-site soils on the subject property. It provides an earthwork analysis or a cut and fill calculation which identifies a net cut 1,726 cubic yards. They have a cut and fill map in this section that leads over the areas of cut and fill that are color coded over the depth to bedrock. You can see where they have areas of cut, they could see the corresponding bedrock which demonstrates that they really don't have any areas of cut that are going to be in areas that have shallow depth to bedrock. They quantify and map the limits of disturbance which is calculated to be 45.9 acres. They identify on-site soil characteristics such as depth of water, bedrock erosion potential permeability, construction limitations. They quantify the disturbance in each on-site soil type. They evaluate the need for blasting, which is extremely unlikely given the depth to bedrock. If in the off-chance it's required, they identify the applicable regulations that they would utilize. Impacts into geology and soils are typically related to dust and erosion and the mitigation is the implementation of their stormwater pollution prevention plan.

Ron Gainer stated that they are still attempting to work with the applicant's consultants to resolve the basic parameters of the stormwater prevention plan. Given that it's a 200-acre site he has little doubt that the mitigation measures proposed will certainly fit on the parcel. It's just a matter of assuring that they have established the proper sizing considerations, and so that's still in progress.

Chair Zuckerman stated that he had one question. 45.9 acres on page 28. He asked Mr. Gainer if he could just contextualize that for the Board in terms of other projects they've approved? It's hard to know whether that's a lot or a little in terms of significance.

Mr. Gainer stated that he can't recall another project with that level of disturbance. Recognize that it's currently a golf course facility so there's significant acreage to the property, but he can't define any prior projects that this Board has processed that would be of a similar magnitude.

Mr. Johannessen stated that the 45 acres is for the entire build out of the project if it was going to be built at one time. As the Board knows this is a 20-year plus phase project and also there's limitations regarding the amount of disturbance that would occur at one time which is five acres. No more than five acres of disturbance would occur at any given time, he knows it sounds like a big number but there's not going to be 45 acres of disturbance occurring at one time. That's the limits of disturbance for the full build out if it were going to happen at one time, but they have controls built into the proposed action which they've agreed to the five-acre threshold.

Chair Zuckerman asked just so he's clear, on page 34 bottom paragraph it talks about how the New York State DEC Stormwater regulations require that no more than five acres of land be disturbed at one time unless a waiver is requested and approved by an MS4.

Mr. Johannessen stated that MS4 referenced is the Town of Phillipstown.

Chair Zuckerman asked that the five-acre limit is because that's the limit unless you get a waiver?

Mr. Johannessen stated that they're not requesting the waiver, and they're going to have a phasing plan that shows how they can build out this project in five-acre increments.

Section C, Topography and Slopes. Mr. Johannessen stated that this section starts out with just a description of the general topography of the site. They provide a slopes analysis with corresponding mapping and discuss the impacts of the project in the context of the town steep slope regulations and the need for a special use permit to allow them to disturb slopes 20% or greater. They illustrate the proposed development on a slopes map so it can be identified where steep slopes will be disturbed. They discuss the amount of land disturbance that will occur at any one time, the five acres that he spoke about earlier. They provide a conceptual construction phasing schedule. They discuss how the golf course features will be modified to create a more naturalistic appearance and describe the erosion and sediment controls that will be implemented during construction. The impacts that generally come from topography and steep slope disturbance, generally resolve around erosion and that's the impact and the mitigation will be the implementation of their Stormwater Pollution Prevention Plan.

Mr. Gainer stated that their intent is to assure the Board has clear understanding of areas that are regulated by the town in terms of steep slopes. The documentation provided clearly illustrates those few areas that steep slopes would be impacted, so he thinks it is information that is all available to the Board to understand those considerations.

Chair Zuckerman asked if Mr. Gainer or AKRF had any views on the significance that they want to share.

Mr. Gainer stated that in his view, there's clear understanding of those few areas where steep slopes will be impacted. This drives the need for a special permit, and that's an issue that the Board has dealt with in various other projects as well, so it's really a matter for the Board's understanding but he thinks that the documentation is clear. It's for the Board to determine if they believe these impacts to be significant. He thinks the plans illustrate what they need to see.

Mr. Werner stated that currently the site is improved as a golf course with a lot of flat areas that they intend to reuse. It would be different if this was an undeveloped area with a lot of rolling hills that they have to be cut and flattened out. He agreed with Mr. Gainer that there are minimal steep slopes they're impacting. They're trying to use the much as of the golf course footprint as possible.

Chair Zuckerman stated on page 35 the construction phase 14 phases, number 12 is the driveway over the dam. He thinks they'll get to this in the wetland section. It's also referred to as a bridge in different places. He would like to hear a bit more about this bridge or driveway, given that area is a narrow area. It's got a ravine off to the west side, it's got water on the east side. It's a pretty narrow place. He would like to hear about that at some point.

Mr. Johannessen stated that there are actually two different things in table 10 on page 35. The highlighted phase 12, half acre disturbance driveway over dam. That refers to the potential removal of the existing asphalt driveway over the existing dam. The bridge would go over the water course for the new driveway off Snake Hill Road. So, there are two different components.

Chair Zuckerman stated that he's actually confused unfortunately on that and the difference between those two. He thought that's the same physical location. He asked if Mr. Johannessen could put up a graphic and point to it. That would that would be helpful, if possible.

Mr. Johannessen continued that the existing driveway off Snake Hill Road, the way you get into the site goes over the existing dam. There's a fairly narrow asphalt driveway. That is no longer going to be an entrance to the site when they construct the new access road further down Snake Hill Road. That's going to have much better sight distance which is one of the reasons why they're constructing new access road. It will also be two-way traffic. That is in the middle of that existing fairway between the dam and that lower green. That's going to require a stream crossing, which is going to be in the form of an elevated or span bridge. He continued that it's in the area of an existing golf cart bridge, it is across from a residence and it's further down the road than the church.

Mr. Canning stated that he can share photographs of both street level and aerial. The driveway is going to come in at about this location across the green, so it's not directly opposite this driveway and it's going to go across the green, across the stream in the location of the existing path, and then it's going to turn and follow the fairway, stay out of the wetlands and connect up somewhere in this location and then just to give a sense of where it is at grade that will be the view to the west. There will actually a better view from the driveway because they can see down to the bend where the road goes north.

Chair Zuckerman asked how many feet higher is Snake Hill from that hole? That looks like at least a 20-foot drop.

Mr. Johannessen stated that that bridge itself is going to be a span bridge, so there's no direct disturbance to the stream and some of the bridge itself on the fairway side may be elevated to avoid fill.

Chair Zuckerman stated that he actually did not know that was part of the project. He added that they haven't walked that terrain and stated that maybe they should talk about that bridge they have not talked about that in much detail.

Mr. Hollis stated that it came up initially as a recommendation from one of the board members, and then they studied it and then developed that plan.

Chair Zuckerman asked if they are going to see any pictures of what kind of bridge it's going to be because he thinks that's a pretty valuable thing to understand if they're going to be installing a bridge. Being on the board of

the MTA and on the committee of the Bridges and Tunnels, it would be interesting to understand what they're talking about because bridge construction is not an insignificant topic.

Mr. Johannessen stated that they've identified the location of the bridge and are trying to assess impacts of the bridge, but the final design would be designed as part of the site plan approval process. He's not sure that they have elevations of the bridge so they would understand what it would look like.

Chair Zuckerman stated that tied to the Board's purpose tonight and in this process, the significance of building a bridge is not an insignificant task with footings and access distance, etc. He added that he just doesn't know enough and there's not much material in here to describe the bridge construction and its impact, and so that seems like something that's worthy of discussion.

Neal Tomann stated that he thinks Chair Zuckerman is onto something here, because not only is it a bridge construction but it's also a bridge over a water course. He sees the bridge and the dam sort of going hand in hand here. If they're being asked to look at this through the SEQRA lens, they need to know what are the abutments, what's the support structure and then what becomes of the dam? He added that they do have a note from Tectonic, but that's not a small enterprise trying to get the dam up to code and then they're building this. He added, why don't we take it one at a time. Let's go through the bridge and then let's go through the dam impacts. Let's talk about the information that they don't have about this bridge and how that might impact their take on the SEQRA determination, and then let's go into the dam. What do they know and what they don't know that might affect these things that they need to think about as far as SEQRA determination.

Glenn Watson stated that Mr. Canning's 20-foot estimate of that bridge span is pretty good and he'll ask Ms. McManus to jump in here in a second. But he thinks they had like .06 acres of disturbance associated with the wetlands. Essentially the bridge is designed to span the creek and the wetlands in that particular area so that they do an absolute minimum of damage to it. Then, of course, in the design they'll have to worry about erosion and protecting the slope side slopes of that so that's being taken care of. It was intentionally done so they could have a gentle grade coming off of the road and span over the wetlands and get away from the wetlands as quickly as possible so they would minimize the impacts and then provide as somebody mentioned before a two-way route that would allow traffic both in and out would improve the site distance in both directions. It really got its genesis from the lack of sight distance at the existing driveway over the dam.

Mr. Canning added that it's not uncommon if you have a property and you have a stream to have a bridge crossing to get in. So it's something that they need to consider and they need to look at but it's not that this hasn't been done before. As Mr. Johannessen mentioned earlier, the intent of the span bridge is to have the lightest footprint on the environment possible. They could go in there with MS walls and just do a short bridge over but they didn't want to do that because it's more impactful and so they're trying to put in the lightest footprint possible.

Mr. Tomann replied that he appreciates that, but what they're trying to determine here is - have the environmental impacts been reduced to the largest degree practicable? Without these details makes it a bit of a chore and he added that he believes that they're going to try and do this with minimal impacts. But the Board members are the ones who have to make the SEQRA determination and lacking these details makes it difficult to either pass on it or say anything and, then again, let's get to the dam because he thinks that there's a lot of overlap here.

Mr. Johannessen stated that there are some details associated with this. If you look at it may not be graphically illustrated in the SEQRA document, but along with the SEQRA document was Mr. Watson's civil drawings and they show the horizontal alignment of the bridge. There is a driveway profile that's been provided to show what the

grade is going to be and the extent of fill. They have quantified the amount of wetland buffer disturbance, the amount of wetland proper disturbance which he thinks they're super conservative on, because he thinks they could probably bring that down to close to nothing. They've identified if any trees need to be removed. They haven't designed the abutments or the bridge itself but they've evaluated the impacts based on what they think is going to be there and the Board will have a crack at really understanding the entire bridge design when the applicant comes back for site plan. In terms of identifying significance and impacts, if you look at the drawings and read the wetlands section, they quantify all that stuff. He thinks that the bridge was something that came out of a comment or recommendation of the Board, it solves an environmental concern and it solves the fact that you can't get two cars to cross the present dam at the same time. This will be two-way traffic. It's a critical component of the project. It's been a part of the project for a while and there are a lot of details and a lot of impact analysis that have gone along with this.

Mr. Johannessen stated that Ms. Wendel was concerned about fragmentation so they did an elevated bridge so the animals would be able to cross below it. They didn't want to create long abutments and fill sections that would divide that landscape. There has been a fair amount of discussion about this particular topic.

Chair Zuckerman asked if they have a picture of what the bridge would look like?

Ms. O'Connell stated that she gets it that the bridge is not designed yet because that's going to come back in the site plan but, just to be fair, they're making assumptions of disturbance based upon an assumption and what if the design comes back where they need to actually include much more of a larger disturbance because of the amount of footings and the loads and the uniform load that they're going to have to add onto that bridge due to whatever traffic pattern or whatever you decide. Should they not be considering the fact that there is a potential that there could be a larger impact to this and the design could push it?

Mr. Johannessen stated that he thinks that they've been conservative in their numbers when evaluating impacts to the wetland buffer and wetland proper. If they came back at site plan with a fully designed bridge and the numbers were significantly different, the Board would then be in a position to determine whether that difference was significant enough to reopen SEQRA on that particular item. They have made assumptions, certainly. They've been conservative, put real numbers in the document as relating to wetland and wetland buffer disturbance that they know that they're going to be held to, and he thinks that when they come back for site plan the Board is going to hold them to those numbers. If they're different then the Board is going to have to make an evaluation or a determination as to whether they're so different that they would reopen up SEQRA, but they know that's a potential.

Ms. Conner stated that as she understands it the whole point of this bridge is to avoid having to do more to the existing dam. So, isn't the bridge in some way considered mitigation? That was how she was reading it. The Board had said the applicant was going to have to do a lot to this dam. It's a narrow entrance, can't you move it someplace else.

Mr. Watson replied that's exactly right. It was driven by the amount of work that would have to be done to make the dam a two-way street, plus they didn't have adequate sight distance at that intersection so they had to figure out a way to make an exit there that would have adequate sight distance. They tried several different scenarios with that, and it was just becoming very obvious that it would be better to move it.

Mr. Tomann asked what kind of feedback they are getting from Tectonic about the condition of the dam? He asked if they know how many gallons it's holding. Did they give an indication of what they might be looking at for an engineer's assessment, timelines, what are they telling you about the dam?

Mr. Johannessen replied that there's a brief description of their findings in the wetlands section. They've quantified the amount of water that it's holding. He thinks it's 6 million gallons, but it is identified in the document and their report is also included. Any repairs to the dam that may result of classifying the dam with the DEC, it's not part of the proposed action. It's not part of this project. So the time period to go through the classification and process to get that the dam classified is significant. They've engaged the DEC, but they view it as a stand-alone item. It's not part of the proposed action and it's going to take some time to go through that process. There may be repairs that that need to take place to bring it up to compliance. They just don't know yet, but feel that's independent of the proposed action.

Mr. Canning stated that it has to happen, regardless of whether the project happens or not.

Mr. Tomann replied, right, but they're proposing to build a bridge just downstream from what appears to be a defective dam or at least an unclassified one. He added, that's why he's asking what's Tectonic telling them that they might be in for with this.

Mr. Johannessen stated that they're telling them exactly what they've identified in their initial assessment.

Mr. Tomann stated which is that it needs to get classified, needs an EA and needs to get repaired?

Mr. Johannessen stated that it does need to be classified. It's not in terrible shape but it does need some improvement, and then it becomes a question of whether to improve it at its current level or whether they can make some changes that would allow to them to make a more reasonably financially feasible dam out of it.

Mr. Johannessen stated that they have a description of the dam on page 56 of the September version, and they have identified that the existing outlet has been compromised. That's the extent of the repair that may potentially need to take place.

Mr. Tomann asked if their contention is that this is outside the scope of this SEQRA.

Mr. Johannessen replied yes. He added that they're not using the dam. They're taking the traffic completely off the dam and putting it on the new bridge. Tectonic hasn't told them that the dam is going to fail. If they were continuing to bring traffic over that dam as it is today or were going to widen it, he can understand how it could get wrapped up into the proposed action. But they're specifically removing that component of the project and building a new bridge, so he doesn't see how they're related.

Mr. Tomann stated that the bridge and the dam in the aggregate are a large slice of the environmental impact pie, and to say that's not an issue he's not feeling great about this.

Mr. Gaba stated that the dam is part of the property and they have to consider how it's going to interact with the project. They were going to do some entry work over it at the beginning, but he thinks that this bridge has kind of obviated it. The way he viewed it was that since the bridge will be downstream from the dam it might be a site plan issue that the Board would look into, because they want to make sure, God forbid, that if the dam bursts the bridge doesn't get washed out especially if there are cars on it. But in terms of SEQRA review he did not really view it as being at all a significant issue, but again if there's some interaction between the dam and the proposed development that he's overlooking maybe Mr. Gainer or AKRF can speak to that.

Mr. Werner stated that as far as he can tell they're not proposing to discharge stormwater into the wetlands or the stream that goes into the dam. They're avoiding those. From discussions that they had from the beginning on reviewing this, this change happened over the summer time when they presented a different plan. It's an example of they found an issue. If they were to use that access where the dam is for traffic, it was compromised. For one, it was a sight distance issue. So, they changed the project to improve the condition. It's an example of modifying

the project as part of going through the SEQRA process to avoid what could have been a more significant impact in having to work on that dam to provide traffic going both ways.

Mr. Hollis stated that the bridge is a mitigation on two levels, on the wetlands and the dam level, and on the traffic level, and it was proposed by a Board member initially. They undertook that project to take care of two issues at one time, the road over the dam and the sight distance from the Snake Hill Road entrance as it exists today. It is definitely outside the scope of this project. They're not going to do anything to it. The DEC has the jurisdiction over this at the moment, and no other approving or reviewing body.

Mr. Johannessen added that they're not ignoring it. They are actively engaged the DEC and they're aware of it. It's a topic and an issue for another day.

Mr. Tomann stated, you're asking us to not consider it as far as the SEQRA approval?

Mr. Johannessen replied, correct.

Mr. Tomann stated he agrees that it's a mitigation effort, but do they understand the Board's need to maybe see what possible adverse impacts the mitigation might have in building the bridge?

Mr. Hollis stated that they've just jumped from the dam to the bridge. They've just talked about what they're going to do with the bridge and when it comes back for site plan review, if they've not been held to the numbers they are projecting conservatively, then SEQRA gets reopened as to this aspect. Supplemental analysis takes place so there are any number of guide rails in this process that will make sure that that bridge when it's built will be compliant with all regulations, will not impact the wetlands in a negative way, will take pressure off the existing Snake Hill Road entrance and will be a safer better means of ingress and egress. The dam will be dealt with the DEC as the DEC directs them to deal with it.

Mr. Johannessen stated if any improvements need to be done to the dam and they involve wetlands, the Board is going to see them then at that time because they may need a wetland permit or site plan approval.

Chair Zuckerman asked about another mitigation that he had asked about to Snake Hill Road, which was to not have entrance to this property from Snake Hill. He'd like to just talk briefly about why they did not pursue a mitigation of only ingress and egress from Route 9.

Mr. Canning stated that this site currently has two active driveways. There's also a driveway out to Philipse Brook Road. They are providing more activity on the site than is at Boscobel, which has a single driveway. Route 9 is an extremely busy roadway and it's difficult to make left turns out of it, and they're proposing as part of the project a traffic signal at the intersection of Snake Hill Road with Route 9 and Travis Corners Road which the DOT in their communication has indicated meets the warrants. They still have to file the detailed plans, and the DOT has to approve that the design plans comply with their standards. The goal is to get the signal installed before the beginning of the 2023 season and that is going to be an obligation of the project. That signal will allow traffic to get out onto Route 9 in a much easier safer manner than during the busiest hours than on the Route 9 driveway. Part of the reason that they have intended to keep both driveways is because they have more activity and because they now have a safer signaled access to Route 9.

Section D, Vegetation and Wildlife. Mr. Johannessen stated that this section is really based on an ecological assessment that was conducted on the property by Resource Environmental Solutions (RES). Their report is contained in appendix D. RES physically walked the property on two occasions to obtain field data in the spring and late summer. They documented on-site flora and fauna characterized the on-site ecological communities and habitat types. Their report includes a list of observed plants, mammals, birds, reptiles and amphibians. They

identified, mapped and described 12 ecological communities or what they call management units (MU). Most of the land disturbance is taking place on lands that are previously disturbed and which contained fairways greens and tee boxes and other golf related features. It's management unit 7 where nearly all of the disturbance and development is taking place. The ecological communities map is included. They lay the 45 acres of disturbance over that map so you could see that nearly all of the development is occurring in that MU7 which is the golf course. They provide an evaluation of habitat fragmentation. They provide results from their consultation with the New York State DEC Natural Heritage program and the U.S Fish and Wildlife Service, and identify potential protected animals and birds of concern based on their consultation with those agencies. They evaluate the potential for impacts on a variety of species including the Indiana Bat, Northern Long-Eared Bat, Bald Eagle, Bog Turtle and various birds of concern. Impacts generally result from loss of habitat or habitat fragmentation. However, in their case disturbance is occurring almost entirely on already disturbed and developed portions of the site. There is no prime habitat that's being removed. The habitat will be improved, actually, based on restoring the existing managed golf course to a more naturalistic landscape and, of course, they're proposing to permanently preserve through conveyance to the Hudson Highlands Land Trust 73.7 acres of land and that does not include the conservation declaration that will take place on the main parcel. The golf course will be naturalized, they're eliminating golf course commercial pesticides and herbicide use fertilizers. If blasting had to occur, it could occur without impacts to the Bald Eagle. As he mentioned earlier, they're not expecting any blasting. But, if for some reason it was found to be necessary they're committing to the October 1st - December 31st time frame which is recommended by the DEC. With regards to mitigation and reducing impacts to potential Indiana Bat and Northern Long-Eared Bat, neither of which were documented, they're committing to cutting trees within the time frame of November 1st to March 31st. Mitigation relating to habitat fragmentation includes locating buildings and structures on already disturbed lands, the use of the elevated bridge over the stream off Snake Hill Road and, to the extent possible, they're going to try to utilize curb-less internal driveways. They're going to establish meadows and naturalize the golf course, as well as the land conservation and tree replacement. Note the 170 trees that will need to be removed. That's for the entire project, the 45 acres of disturbance and they're proposing to install 250 trees. He made the comparison in the document that even though 175 trees sound like a lot, but with a single-family house with a driveway and septic system or a two-lot subdivision there would probably be that many trees coming down for a single-family residence. On a project of this size and scale, to have only 175 trees being removed in his opinion is insignificant and it's mainly due to the fact that most of the project is on the golf course.

Chris Robbins stated that the assessment that they present in the part 3 EAF follows the scope that was prepared to set forth the studies that were to be completed here. So they've covered everything that they were supposed to. The documentation that's in here is pretty extensive. There was a lot of work done with regard to identifying and putting boundaries around the dozen or so MU's that Mr. Johannessen had mentioned. Also, as Mr. Johannessen mentioned, there are a dozen different ecological communities on the site. The development is focused primarily on the open areas of the golf course. There is some disturbance in areas outside of that. A good graphic is exhibit 18 in this document, where Mr. Johannessen mentions they've got the 12 different ecological communities with the limited disturbance placed over the top, where you can see the different communities that will be impacted by the development program. Lists of species is comprehensive. They did ask for and the project team did provide additional information on birds that were likely to be disturbed with regard to this. That's part of the outreach that they did with the DEC natural heritage program in particular. The information with regard to disturbance is pretty clear and outlines what a lot of the questions from the Board concerned with regard to how this will affect the ecological communities, the flora and fauna on site. There's plenty of information there with regard to sort of understanding what it is that's going to happen on the project site. They then go on to talking about the specific species, threatened endangered species that may be present.

There's a handful of those. Mitigation is proposed for those species that are likely to occur on the project site, while none were observed directly, except for maybe a Bald Eagle flying over. They did assume presence of several species that were listed, based on habitats identified on the project site. Mitigation is proposed for the three species, the two bats and the Bald Eagle, and that mitigation is direction from the DEC. For the most part the avoidance is by way of working in "windows" that are set for each of the species, so there's times during the year which you are not allowed to cut down trees or blast, and those are going to be complied with regard to the mitigation. So the information that they present here should be sufficient for the Board to think about what it is that these impacts are, and whether or not those might be significant.

Chair Zuckerman stated that he'd like AKRF like they've done in the past is whether they can give some guidance on significance. He thinks they're past the "is it complete" phase, and so they do need some opinion and some guidance in some of these areas because again everyone here is a layman.

Mr. Werner stated if you look at 617 c, the regulations from on SEQRA roman numeral two - *"Removal or destruction of large quantities of vegetation or fauna substantial interference with the movement of any resident or migratory fish or wildlife species impacts on a significant habitat area substantial adverse impact on a threatened or endangered species or of animal or plant or the habitat of such species or other significant adverse impacts to natural resources."* He continued, as the exhibits have shown and what they've described, the majority of the disturbance is happening in MU7, which is the golf course and greens. So, they're not dealing with a large parcel of forested land that has to remove acres and acres of trees and habitat. They're focusing their development on previously disturbed areas. So, removal or destruction of large quantities of vegetation or fauna it doesn't seem like it's happening. Substantial interference with the movement of any resident or migratory fish wildlife species, again they've done surveys on the site and they haven't found species of concern living on the site. Currently, where they're proposing these improvements is not a significant corridor for wildlife according to their reports. This is the criteria to focus on to see if, in the Board's opinion of significance. That's his two cents on it but that's it's up to the Board to decide ultimately.

Ms. Conner stated that she would say that this is already a golf course which is sort of like an environmental desert, so it seems to her like this is something that is going to be improved by having something other than just grass and some meadows and things like that.

Ms. Wendel said that no matter how you view this the mitigation here, it's impossible to ignore the fact that they're going to conserve an enormous amount of land and that's just huge. It seems like the positives of the wildlife effects are just really extraordinary.

Mr. Hollis stated that he thinks one thing that has to be kept in mind when they look at every one of those 12 criteria is, are the mitigation efforts taken as against those criteria, and he thinks that is important if AKRF and Mr. Gaba would agree with him.

Mr. Gaba stated that if everyone's satisfied that vegetation and wildlife are not going to be significantly adversely impacted, they could probably just move on.

Section E, Wetlands and Watercourses. Mr. Johannessen stated that the chapter starts out with the fact that all on-site wetlands and water courses that could potentially be impacted by the development were delineated by his office and were survey located. They appear on the drawings. They have a wetland exhibit in this chapter. The wetland boundary line was inspected by Max Garfinkle, the town's environmental consultant and during the site walk he verbally agreed that the wetland boundary was correct. He did ask for a couple of additional soil borings in one of the smaller wetlands along Route 9, one that's actually, because of its size, not regulated by the town, it's under a quarter acre. Mr. Johannessen has since completed those additional borings and will provide

him with the results and thinks that Mr. Garfinkle will eventually provide a letter to the Board indicating that he's in agreement with the wetland boundary line. The wetland and wetland buffers have been mapped and they're laid over the proposed development to assess potential impacts. They've quantified the wetland and wetland buffer disturbance. The chapter goes on to describe in detail each of the seven different wetland systems on the main parcel, extent of jurisdiction. They describe the dam which they've already gone over. Impacts to wetlands generally result from land disturbance within the wetland and the wetland buffer, elimination of habitat, elimination of wetlands that may result in flooding. Our mitigation includes the elimination of the golf course use related commercial fertilizers, pesticides and herbicides. The major land conservation, installation of native plantings, installation of trees, the rewilding of the golf course and the use of the elevated bridge over the water course off Snake Hill Road. They have provided some preliminary conceptual mitigation planting plans and a list of identified plant species and general locations and such.

Mr. Robbins of AKRF stated that the materials presented here comply with the scope that was prepared to guide the applicant in reviewing the project and the associated impacts. The EAF part 3 talks about the areas of disturbance for each one of the potential impacts. He then asked Mr. Johannessen if he would fill the board in on disturbance to the buffer and wetland associated with the bridge crossing and the potential for the need to get a permit from one or more jurisdictional authorities.

Mr. Johannessen stated that with regards specifically to the bridge crossing, they've conservatively identified a potential of .06 acres of potential disturbance to the wetland proper, the stream itself. It may be possible to completely eliminate that when they get down into final design because there will be a span. It just it depends on where the abutments end up so they've conservatively identified a disturbance to the wetland, although that might be eliminated. In terms of jurisdiction there are no New York State DEC wetlands on the property. However the water course that flows from the pond is a classified DEC stream, a potential trout stream. Anything they do to that stream, if they disturb the bed or banks of the stream, will require an article 15 protection of waters permit from the New York State DEC. If there's direct disturbance, they would require a permit from the Army Corps. It's very possible that they would fall under the category of a nationwide permit if they meet certain thresholds or below certain thresholds in terms of the amount of disturbance and the amount of cut or fill within the wetland proper. They may be able to obtain a nationwide permit from the Army Corps. Basically, they've already evaluated the potential impacts because of the small footprint, and the permit would be issued as a routine measure. So, potential approvals outside of the Town of Phillipstown with regards to wetland disturbances would be the DEC article 15 protection waters permit and potentially the Army Corps.

Chair Zuckerman asked Mr. Johannessen when talking about a nationwide permit is that just the bridge?

Mr. Johannessen replied yes, the bridge. The Army Corps only gets involved with direct disturbance to a wetland if the wetland is federally regulated. They don't have buffers like the DEC or the Town does, so the only potential disturbance to the wetland itself is the stream crossing. He continued, that's going to be a span bridge so if the abutments don't hit the water or the flagged wetland, there's no wetland disturbance and the Army Corps wouldn't be involved. They chose one of the narrowest sections of the watercourse to cross for that reason, so he's optimistic the disturbance will be at or below or none from what they've identified in the SEQRA document.

Mr. Robbins stated that he wants to point out to the Board that Johannessen indicates there may be permits from the Army Corps of Engineers, likely nothing from DEC based on their design. This disturbance is so small, it does fall within the limits of what would allow a nationwide permit to be issued. These are issued all the time, so this if the Army Corps doesn't consider these impacts significant with regard to disturbance to resources that are under their jurisdiction, they issue the permit. When looking at this, know that it's likely to fall under the threshold that

would allow the Army Corps to issue a nationwide permit. They've already determined what those disturbances are and those permits are issued, generally without mitigation and pretty quickly.

Peter Lewis asked for clarification with the dam which is on the site and part of the wetlands, holding back 6 million gallons of water. It's been described by Tectonic as being something in need of work. That lies outside the purview of SEQRA and is in the jurisdiction of the DEC?

Mr. Gaba replied that the DEC has pretty much exclusive jurisdiction over determining what work must be done on the dam. If they were doing work on the dam or integrating it into this project in some way, then this Board would have jurisdiction over it both as part of site plan review and certainly you can consider it as part of site plan review, although they aren't proposing any changes to the dam as part of site plan review. They could look at it as part of SEQRA review if there were some changes or some interaction between the project and the dam being proposed, but there isn't. They're leaving the dam alone. As they say, they're going to have to fix it up as a separate measure, but the SEQRA review pertains to the changes and improvements and the uses that they're going to be putting on this property. Existing conditions like a dam that really aren't involved in the proposed use, so the proposed changes really don't enter into SEQRA.

Mr. Werner stated that he would add that in SEQRA, for the most part you're looking at what's the difference between a "no action" condition and the condition with the project. Absent this project, it sounds like that dam needs to be worked on anyway. It's something that's going to happen regardless of the project as the DEC dictates. So, for that reason that's just adding on to what Mr. Gaba said.

Ms. Wendel asked if any consideration has been given to just taking down the dam and letting the stream run free, like consulting with Riverkeeper on just opening up the dam which is happening all over the Hudson Valley just to restore the fish stocks.

Mr. Johannessen stated that they will continue to be utilizing the pond for irrigation purposes, so it's a necessary component of the project.

Mr. Robbins stated that Ms. Wendel is right. There's a big push for dam removal all over the northeast and around the country. One of the things that is weighed when that is done, is what happens to the habitat that's currently behind that dam. So, you've got a pond which is providing a habitat, while man-made. There are fringed wetlands around the lake, so there'd be some balancing with removal of the dam and returning what flow might have been there previously and what fish species may have used that area. So, there's that balancing of what the benefits are for removal and when you remove it, what you lose from what's behind the dam.

Chair Zuckerman stated on page 55 of the non-velo document, and page 25 of the velo document, talks about 2.46 acres of wetland disturbance. To AKRF and Mr. Gainer - is that a significant amount of disturbance in the wetland buffer? He added he doesn't have a way of gauging that. How does he interpret the significance of that disturbance, please?

Mr. Johannessen stated that a lot of that is temporary disturbance with land grading and that area will be restored to, in his opinion, something that is much more naturalistic and environmentally friendly and protecting the wetlands than managed turf. So, the actual physical improvements and hard surfaces, it's that's not 2.46 acres. That's the land grading, temporary disturbance that's taking place. It's a temporary impact and the long-range impact will be none, it'll be an improvement.

Chair Zuckerman asked about "potential impacts to wetlands buffer areas include loss of vegetation, loss of habitat, erosion, sedimentation, altered water temperature, an increase in nutrient levels yet these impacts will

be including the required SWPP and mitigate in accordance with state laws". How do we interpret both those words and the volume of acreage please?

Mr. Johannessen replied that the loss of vegetation and the loss of habitat, there's going to be a temporary loss of managed turf which is going to be restored to meadow and shrubs. So, there's no real loss of vegetation. In the wetland buffer, there's going to be some but it's minimized.

Chair Zuckerman stated that the document did not use the word "temporary" so he's just trying to understand it because it doesn't say it is a temporal loss, it says it's a loss.

Mr. Johannessen replied that the parking lot above the pond there's a very small portion of that or the grading associated with that or a wall that is in the buffer, and it will be permanent and some of the internal driveways will be in the buffer and those will be permanent. There will be some permanent features, but the gross majority, and he will quantify this in the future submission, of the 2.46 acres is temporary land grading.

Chair Zuckerman stated that would be helpful to understand if he took the 2.46 acres and broke it down.

Mr. Robbins stated that he thinks the other language with regard to change in temperature of water and the potential for sedimentation into the stream, this is for the Planning Board. They're listing those there as potential impacts, but those will all be offset mitigated with the implementation of the Stormwater Management Plan.

Mr. Johannessen stated that they're identifying potential impacts and then later on in the section they talked about mitigation to offset those impacts.

Mr. Robbins stated he thinks if you look at example 23 again, you can see the limit of disturbance that's been laid down on top of the wetland area. It's the gray dashed line on that exhibit and you can see a good portion of the disturbance within the wetlands is within that limited disturbance is going to be returned to a vegetated condition as Mr. Johannessen had mentioned. The only portion of that buffer that will be disturbed is what will be replaced by the access road itself. The Town and, if necessary, the Army Corps would have to provide permits for this as they talked about before. The disturbance within town regulated buffer is a concern if in fact they're losing a significant amount of area, and he thinks they're replacing the areas that are within this limited disturbance so it's temporary disturbance. It's going from what is a manicured golf course with the application of pesticides and herbicides to a planted, much more natural, beneficial condition, and so the intent of the buffer, which is to protect the wetland itself, will increase in value wherever there is not this permanent disturbance of the road. So, that's the balance.

Section F, Storm Water Management. Mr. Johannessen stated that the SWPPP is included in appendix H. They've identified the relevant storm order permits that are applicable, the guidelines and design manuals that are being used to prepare the SWPPP. They discussed the design requirements and include evaluations of the pre and post construction condition. Impacts generally relate to erosion, flooding irrigation of downstream receiving waters through increases of stormwater runoff, and changes to drainage patterns from development. Those potential impacts would be mitigated through the development and implementation of their stormwater pollution prevention plan, and the installation of post-construction stormwater management practices.

Mr. Gainer stated that the document properly identifies the criteria that must be followed for their design condition and they are still working with the applicant's consultant to better define and quantify the adequacy of the sizing of the stormwater measures that are necessary to achieve compliance with those standards. It's expected that'll be resolved shortly and, from his perspective there's very little concern, given the size of the property, that the applicant will be able to comply with all stormwater requirements.

Mr. Werner stated that roman numeral 1 under C1 covers a bunch of things but there is one line in there about a substantial increase in the potential for erosion flooding, leaching or drainage problems. As Mr. Gainer said the SWPPP is designed to eliminate those, and the size of the property is large enough to accommodate a lot of on-site controls to limit impacts to the waterways that are on the site. There's not going to be direct discharge, there's no flood zones here, so again that's the criteria that the Board can examine this against.

Ms. Wendel asked if consideration has been given to more innovative approaches rather than retention like green roofs, more pervious areas instead of paving the surfaces having them semi-porous. She added that she didn't see it in the plan but just something more innovative in terms of not just collecting up the storm water as it runs off the asphalt, but instead doing something that's sort of more thoughtful on that area.

Ms. McKinnon stated that the parking lots at least that they are proposing are all proposed to have pervious pavement so that they are looking at that filtration just as Ms. Wendel has suggested.

Ms. McManus added that there are also several bio retention areas that are scattered throughout the site that will collect stormwater and infiltrate them on site. It is a redevelopment project and RRV which is infiltration on the site is not required, but they will be meeting that criteria. The only impoundment that is proposed is an existing pond that was built for the PDD and will continue to function in the manner that it was designed for it in 2005.

Chair Zuckerman stated that he feels confident that the Board's engineers can evaluate the SWPPP and provide advice. The only part that seems particularly steep and of real interest to him from a stormwater perspective is where the artist houses are going to be. That's a pretty steep piece of terrain there and he wants to understand if there are specific mitigations being put in place given the steepness of that hill, which is not insignificant.

Ms. McManus stated that the houses are to be stepped, so there will be very little impact for the houses themselves. It's not going to be a flat area where each house is flattened out, they won't need a lawn around it because it's like a hotel and there's already a traveled way down there that they're just going to make a little bit wider. All of the stormwater is captured from the roofs and that will be sent directly to a bio retention area. Once it's established, they'll have the same similar runoff patterns that they have now, but during construction you would have erosion and sediment control practices in place that would mitigate any runoff.

Mr. Johannessen stated that it might be helpful to refer to exhibit 16 and 17, the steep slopes maps with the proposed buildings laid over and you could see the relationship to the slopes and they've been located in areas of lesser slopes. They're not in steep slope areas those units.

Chair Zuckerman asked on page 59, table 15 in the middle, this is again in F, pre and post construction run off by storm event is the title. There are four design points and a bunch of numbers. Can someone or AKRF give a view as to whether these are large or small values? Are they significant or not?

Ms. McManus stated that what they need to look at is not so much what the value is but what the difference in the value is because they need to compare the existing condition prior to construction to the post condition after construction is done, and put in the stormwater management practices. Where this property is in the overall watershed, it's at the lower end of a like a 19-acre watershed. It's the peak event that you want to look at and they have mitigated the peak flow events at all stages within the property.

Mr. Gainer stated that all that table does is identify the required stormwater design events that are mandated by the state regulations. They require study of the one-year, ten-year and hundred-year storm event. As indicated by Ms. McManus, the obligation is to make sure the post development rates of run-off from the design points, which are the points where stormwater runoff leaves the site, those values post-construction are no greater than

what exists today so as to identify appropriate mitigation. The table serves to illustrate that they're accomplishing that. As he stated previously, he's still working with the design consultant to confirm these values. But, obviously, they understand the intent, the obligation and that will be satisfied before we let the project move forward.

Section G, Utilities. Mr. Johannessen stated that in this section they identify, describe and map the existing and proposed wells, they quantify the domestic water demand for the 2005 PDD plan which was 15,320 gallons per day as well as the proposed action which is 18,344 gallons per day, a difference of 3,024 gallons per day. They identify, describe and map the existing and proposed septic systems, they demonstrate compliance with the Putnam County Department of Health regulations. Badey & Watson conducted deep and percolation soil testing to demonstrate the suitability of the soils for septic. They provided the soil report and test results within the document. They discuss NFPA requirements in fire flow, provide a groundwater budget including natural groundwater recharge versus consumption and the capacity the wells to meet the demand, and the influence of the projects water demand on off-site wells. It's the applicant's position that the proposed action will not result in adverse impacts resulting from water or sewage and sufficient resources exist to support the project. They identified no impact and no mitigation is proposed.

Mr. Werner stated that it's important to note that the demand from that was calculated for the PDD plan which actually hasn't been fully built out to that projected flow. He said he thinks they've said something about 9,000 gallons per day is the current design, but at the time of PDD approval it was up to showing 15,000 gallons per day. The current plan would require about 18,000. It's basically a change of 3,000 gallons per day between what the PDD was analyzed at and what they're proposing now, and they have adequate on-site water to provide water to the project. They would go through the Putnam County requirements for doing those wells like the pumping tests, everything that's required by the county to do that.

Mr. Gainer commented that, as indicated, they're going to have to be compliant with Putnam County Department of Health regulations for the sanitary sewer design as well as the new wells. He thinks they've given a pretty detailed review of those requirements and their ability to comply with them.

Chair Zuckerman asked to confirm the number of rooms for lodging?

John Canning replied that 72 is the full build out for the units.

Chair Zuckerman said he sees 44 plus 20, that's 64. The eight existing rooms are not on this list.

Mr. Canning replied that he doesn't know, to be honest.

Chair Zuckerman continued that, similarly, there's no acknowledgement of the pavilion, the rehearsal spaces or the amenities building which they haven't talked about earlier. Apparently, there is something called the amenities building that he doesn't see listed either.

Mr. Johannessen stated that there are no sewage facilities.

Chair Zuckerman replied so, there's no bathroom in the amenities building?

Mr. Johannessen stated that the amenities building does not have a sewer flow.

Chair Zuckerman stated that the residents in the surrounding area have been concerned without a specific knowledge but a general concern about water availability when they move up to this level of usage. He asked if the applicant can give the Board a little more on the significance or how they don't think it's significant that this volume of water will affect the water in the region. He stated that he'd like a more cogent viewpoint about why

they don't think there's going to be any water impact on the surrounding residents when they have such a significant increase in water usage.

Paul Woodell stated that the proposed use will include the installation of two new wells, one of the wells is designed to serve only the single-family residence and so the demand on that well is relatively low, and the second will supplement the use on site. The second well is more distant from the neighboring properties than either of the irrigation wells which had been used periodically in the past at the site, and were the primary issue in the past with regard to influence on neighboring domestic wells. The demand on the new well which will be incorporated into the public water supply is significantly less than the rate of use of the irrigation wells and the distance is greater. Based those on those points, they don't anticipate detriment or influence on the neighboring domestic wells off-site.

Chair Zuckerman asked what happens if that estimation is incorrect, that, in fact, there does become an impact on water. What are the monitoring abilities or plans so one would monitor this over time for water impact in the region?

Mr. Woodell stated in the early 2000's when the irrigation wells were installed, the Putnam County Department of Health required the golf course to monitor the levels in domestic wells off-site. In circumstances there was influence identified by heavy pumping of the irrigation wells and mitigative measures were instituted at that time. The influence was primarily on wells that were old in construction or shallow, and several different types of mitigation measures were applied. In the case of the planned wells the requirement for monitoring of off-site wells after installation is not specifically prescribed by the Department of Health in its regulations. However, the Department does reserve the option of requesting off-site monitoring that's not yet been concluded upon. That will be entailed when such time as the applications for drilling and testing those wells is placed in front of the Department.

Chair Zuckerman asked about page 68, fourth paragraph under consumption starts with using the above methodology. It talks about basically the dilution factor. 110,000 gallons is pretty similar to the recharge rate of 112,000, but then it gets significantly better when you include the upland basin. What is the upland basin?

Mr. Woodell stated that in the calculation that is initially prescribed by the town's zoning ordinance is to calculate the recharge potential to groundwater specifically due to infiltration at the site itself. So, the initial calculation which resulted in a recharge of a 112,000 gallons per day is based solely on precipitation on the property itself. However, the regime of groundwater flow and groundwater recharge is not limited to parcel boundaries so on the east side of Route 9 is a further upland area that will contribute to the groundwater available on the site and that upland area was defined topographically, the soil types were identified and they used the same calculation methodology that was used for onsite to determine the additional recharge based on the off-site upland area on the east side of Route 9. When the off-site upland area and the site are added together that's where you get the much higher number of a 199,000 gallons per day. That upland area is east of Route 9 directly across the street from the from the course itself.

Section I, Visual Resources and Community Character. Ms. McKinnon stated that in this section they've taken several looks at the surrounding community both adjacent to the site and from further afield, and have consulted with the Board on where those locations should be. They've looked at the impacts of the proposed work on site to the viewsheds in those areas, and provided leaf-off and leaf-on or, in other words, winter and summer views of the majority of these sites. They've created these perspective views for review by using what's called a rhino model. It's a way for a design professional to accurately look at a slope of a site and put on massing of structures, and then align that with a photograph so the exhibits begin to align those and show what it would look like in both winter and summer. Their study has looked at both the proposed planting and the existing planting on site.

They've shown those in the views at an installed height. They're not looking at 30, 40 years down the road when the trees mature. They're looking at it so you can get a day one idea of when the trees go in. Those are estimated at a per nursery standards at about a 14 foot height on install for the tree material. Through their assessment they believe that they have very little to no impact on the surrounding character, in part because of the existing siding of the buildings to work with the topography, their additions to the buffer around the edges on Route 9 and Snake Hill Road and their interior planting schemes that help to mitigate any potential impacts that may be viewed.

Mr. Werner stated that they looked at five significantly off-site viewpoints, from the other side of the river and some hiking trails nearby with viewpoints that go towards the site, and they have those exhibits also included as 40 through 45. They do a leaf-off view as a worst-case scenario. From AKRF's review of this they went back and forth a lot with them to refine these views because at first, they didn't think they were showing enough for the leaf-off condition. They refined the model, they showed where they're going to be planting trees as part of the Scenic Protection Overlay requirements, so they show the existing condition and the condition with plantings. The primary viewpoint of the site is Route 9. As the SEQRA guidance is written, it's in the DEC guidance on visual impacts, you're looking at impacts. You're going to be able to visually see the project and if it's going to impact from publicly accessible viewpoints. In this case, Route 9 is that publicly accessible viewpoint and they cover quite a bit of different shots from Route 9. The primary viewer along that corridor is someone in a car driving the speed limit of Route 9 in that location and he thinks what they showed here, based on what they're proposing to keep planting wise and how they're sighting the buildings further into the site and utilizing existing screening that's provided and enhancing it, AKRF didn't feel that they were very impactful a visual standpoint.

Mr. Werner asked if they could share the views specifically from Route 9.

Ms. McKinnon shared the documents. She added that they've also provided as part of their update clear documentation acknowledging where new proposed plantings tree plantings are going in to augment their scenic protection overlay zone. On the left-hand side along Route 9 there are two general identified zones near Route 9. The primary entrance that has few to no trees, and then there are two areas along Snake Hill Road that also have a small amount of planting there. They are proposing to be in line with the Scenic Protection Overlay zone that they augment the planting along Route 9 and along one of the two areas near Snake Hill Road and Route 9. The other one is their proposed new entrance, so they will not be adding trees on top of the road that seems not conducive to getting to the site. She continued that they have a site model that has the correct volume of the tent, has the correct height, has all of the proposed structures, and what they're showing here is the mix of existing winter vegetation plus proposed vegetation which will be all native, which will be both deciduous and evergreen and will provide screening. They also have sections looking at that same idea of how someone in a car driving past their view is directed up and over the Scenic Protection Overlay buffer, which is why this is part of the town's code and how they are helping to follow that Scenic Protection Overlay and directing that view not into the site. Viewpoint seven is incredibly thick with vegetation, the rendering didn't show anything, they couldn't actually get it to function so they've chosen to only be able to show the section. Just because of how the site is situated it doesn't quite lend itself to the perspectival view. From view eight, which is at the corner looking in across the existing water, this is the existing condition's view. You can see the existing managers quarters that is on the site, the existing cottage, and then in the proposed winter view this has been rendered with the proposed buildings and all of the trees at their proposed install height, and you'll notice that the proposed trees right along the edge are much lower because there is a significant drop between the road and the inside of the property. The tent is in there, the rehearsal barn is sited in this image and you can see still the manager's quarters. She continued that the last view here same idea. This is the view near the existing entry off of Snake Hill Road. Existing conditions approximating kind of a late summer maybe early fall and then proposed winter condition. There is a

small glimpse of the tent in the background. You see the volume of the rehearsal barn in the foreground and they've dashed in where the proposed road would go. At AKRF'S recommendation they've been working together to make sure that these give a winter approximation of what they're proposing on site.

Chair Zuckerman stated that with exhibit 57 departure or it's post just has a sense there's a lot more light going on that this picture would convey at departure, and that's a qualitative comment not a quantitative one because he doesn't know how to quantify the volume of car lights. It'd be great to see a rendering that included the volume of cars leaving at that time at night.

Ms. McKinnon stated that they can attempt to approximate that view, they can work on something that begins to look at that.

Chair Zuckerman asked the Board if they would like to meet on Tuesday November 30th for an additional meeting?

The Board members all agreed that they could meet on Tuesday November 30th at 7:00pm.

Chair Zuckerman stated that he hopes they can have another substantive conversation and hopefully get through the rest of the part three EAF. He added that the applicant has produced thousands of pages of analysis, tens of advisors and the thought that this would go any faster than this would not give it the appropriate attention the applicant has given it nor what the town deserves and the residents of the town. He also added that we will duly notice it for Tuesday, November 30th at seven o'clock.

Chair Zuckerman asked for a motion to adjourn. Ms. Conner made the motion. Mr. Lewis seconded the motion.

The vote went as follows:

Ms. Conner: Aye

Dennis Gagnon: Aye

Peter Lewis: Aye

Laura O'Connell: Aye

Neal Tomann: Aye

Heidi Wendel: Aye

Chair Neal Zuckerman: Aye

Opposed, Abstentions? Being none the vote passes.

The meeting was adjourned at 10:14 pm.

Date Approved: 1/20/22

Respectfully submitted by


Cheryl Rockett- Planning Board Secretary